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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,276	02/13/2002	Masato Murata	82084-0005	6832

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WASHINGTON, DC 20005

EXAMINER

GHATT, DAVE A

ART UNIT	PAPER NUMBER
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2854

9

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/073,276

Applicant(s)

MURATA, MASATO

Examiner

Dave A Ghatt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 6. 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 11 is objected to because of the following informalities: There is no proper antecedent basis for the recitation "said connecting portion" as recited in line 2 of claim 11. It seems as though the applicant intended to have claim 11 depend on claim 10, and not claim 1 as recited. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is not clear what structure is required to meet the limitation "wherein said connecting portion of said second adapter half is to be magnetically connected to the disk pushing member." Does the applicant mean that the connecting portion is magnetic? Does the applicant mean that additional elements are added to provide a magnetic connection? It is not clear. As a result of this indefiniteness, prior art was not applied to claim 11.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10 and 12-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Victor (Unexamined Laid-open Utility Model 6-681167). Insofar as structure is required, Victor teaches the claimed invention. With respect to independent claims 1 and 18, as illustrated in Figure 1, Victor teaches a disk adaptor 7, to be attached to an optical printer equipped with a disk tray with a disk-placing dented portion. Figure 1 illustrates, and the abstract outlines a first adapter half (right section, not numbered) to be detachably placed in a front portion of the disk placing dented portion, and a second adapter (left section, not numbered) half to be detachably placed in a rear portion of the disk-placing dented portion. As illustrated in Figures 1 and 6, the first adapter half 8 is movable relative to the other half 9 in according to a disk pushing member.

The applicant should note that with respect to the language of lines 2- 8 of each of claims 1 and 18, which recite the structure of the laser printer, none of this structure is required to meet the limitations of these claims. If the applicant were to delete the language “to be” in line 1 of each of claims 1 and 18, then the structure of the printer would be required to meet all the limitations of claims 1 and 18.

With respect to the “wherein” statements of lines 16-25 of claim 1, and lines 18-27 of claim 18, the applicant should not that Victor teaches all the requirements of disk adapter as claimed, and must therefore provide the claimed movements.

With respect to claims 2 and 18, Figure 1 of Victor teaches the first adapter half (right section) and the second adapter half (left section) pivotally connected at one side 16, and wherein

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the second half is pivoted at the one side 16 as a fulcrum in accordance with a forward/backward movement of the disk pushing member.

With respect to claim 3, as stated above, Victor teaches all the requirements of disk adapter as claimed, and must therefore provide the claimed movement.

With respect to claims 4-6, any portion of the first adapter half 8 of Victor that could detachably fix the first adapter half in the disk-placing dented portion meets this limitation. For instance, elements 10, 11, 13, 14, and 19, all meet this requirement.

With respect to claims 7-9, as Figure 6 shows a downwardly protruded member 19 for detachably fixing the first adapter half in the disk-placing dented portion.

With respect to claim 10, any portion of the second adapter half of Victor that could contact a disk-pushing member meets the limitation for a connecting portion. For instance, element 14 meets this limitation.

With respect to claims 12 and 13, Victor teaches the first adaptor half (right section) and the second adapter half (left section) integrally connected via member 16, which must have some degree of elasticity.

With respect to claim 14, Figure 6 illustrates slanted inner periphery sections 19 and 14, of the first and second halves respectively.

With respect to claims 15-17, as illustrated in Figure 1 of Victor, the adapter 7 includes a disk disposing space set to have a configuration and a size corresponding to card-shaped. The applicant should note that *card-shaped* could be circular as taught by Victor, because cards come in various shapes including, square, rectangular, and circular.

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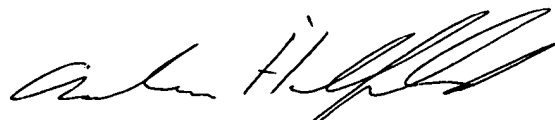
***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave A Ghatt whose telephone number is (703) 308-2417. The examiner can normally be reached on Mondays through Friday 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-3431.

DAG



ANDREW H. HIRSHFELD  
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